

1 STATE BAR OF CALIFORNIA
2 OFFICE OF CHIEF TRIAL COUNSEL
3 STEVEN J. MOAWAD, No. 190358
4 CHIEF TRIAL COUNSEL
5 MELANIE J. LAWRENCE, No. 230102
6 DEPUTY CHIEF TRIAL COUNSEL
7 MIA R. ELLIS, No. 228235
8 ASSISTANT CHIEF TRIAL COUNSEL
9 HUGH G. RADIGAN, No. 94251
10 SENIOR TRIAL COUNSEL
11 845 South Figueroa Street
12 Los Angeles, California 90017-2515
13 Telephone: (213) 765-1206

PUBLIC MATTER

FILED

APR 12 2018

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

CARLOS JOEL PEREZ,
No. 285936,

A Member of the State Bar

) Case Nos. 16-O-14513, 17-O-00272,
) 17-O-02504, 17-O-03806 and
) 17-O-05861

) NOTICE OF DISCIPLINARY CHARGES

NOTICE - FAILURE TO RESPOND!

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
THE STATE BAR COURT TRIAL:**

- (1) YOUR DEFAULT WILL BE ENTERED;
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE, AND;
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

///

///

kwiktag®

237 301 847



1 The State Bar of California alleges:

2 JURISDICTION

3 1. Carlos Joel Perez ("Respondent") was admitted to the practice of law in the State of
4 California on December 5, 2012, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 16-O-14513
8 Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

9 2. On or about June 11, 2014, Respondent received from Respondent's client's mother,
10 Maria Reyes, the sum of \$4,500 as advanced fees for legal services to be performed. On May
11 31, 2016, Luis Reyes, the client, requested an accounting. Respondent thereafter failed to render
12 an appropriate accounting to the client regarding those funds following the termination of
13 Respondent's employment on or about December 11, 2016, in willful violation of the Rules of
14 Professional Conduct, rule 4-100(B)(3).

15 COUNT TWO

16 Case No. 16-O-14513
17 Rules of Professional Conduct, rule 3-700(D)(1)
18 [Failure to Release File]

19 3. Respondent failed to release promptly, after termination of Respondent's employment
20 on or about December 11, 2016, to Respondent's client's mother, Maria Reyes, all of the client's
21 papers and property following the client's request for the client's file on December 11, 2016, in
22 willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

23 COUNT THREE

24 Case No. 16-O-14513
25 Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

26 4. Respondent failed to respond promptly to numerous e-mails and phone calls
27 requesting reasonable status inquiries made by Maria Reyes, on behalf of Respondent's client,
28 Luis Reyes, between June 2014 and March 2016 that Respondent received in a matter in which

1 Respondent had agreed to provide legal services, in willful violation of Business and Professions
2 Code, section 6068(m).

3 COUNT FOUR

4 Case No.16-O-14513
5 Rules of Professional Conduct, rule 3-310(F)
6 [Accepting Fees From a Non-Client]

7 5. On or about June 11, 2014, Respondent accepted \$4500 from Maria Reyes as
8 compensation for representing Luis Reyes, her son, without obtaining Luis Reyes's informed
9 written consent to receive such compensation, in willful violation of the Rules of Professional
10 Conduct, rule 3-310(F).

11 COUNT FIVE

12 Case No. 17-O-00272
13 Rules of Professional Conduct, rule 3-110(A)
14 [Failure to Perform with Competence]

15 6. On or about June 20, 2013, Viola Blane employed Respondent to perform legal
16 services, namely to represent her son in a juvenile matter, which Respondent intentionally,
17 recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of
18 Professional Conduct, rule 3-110(A), by failing to participate in the matter, by repeatedly failing
19 to appear for hearings, resulting in the court removing Respondent from the proceeding as a
20 result of Respondent's failure to perform or provide any other legal services for the client.

21 COUNT SIX

22 Case No. 17-O-00272
23 Rules of Professional Conduct, rule 3-700(D)(1)
24 [Failure to Release File]

25 7. Respondent failed to release promptly, after termination of Respondent's employment
26 on or about September 15, 2016, to Respondent's client's mother, Viola Blane, all of the
27 client's papers and property following the court's order compelling Respondent to restore the file
28 to Viola Blane, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

1 COUNT SEVEN

2 Case No.17-O-00272
3 Rules of Professional Conduct, rule 4-100(B)(4)
4 [Failure to Pay Client Funds Promptly]

5 8. On or about June 20, 2013, Respondent received on behalf of Respondent's client,
6 Viola Blane, advanced fees of \$1,500. On or about September 16, 2016, the court ordered that
7 Respondent refund the entire amount of advanced attorney's fees to her. To date, Respondent
8 has failed to pay promptly, as ordered, any portion of the advanced attorney's fees in
9 Respondent's possession in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

10 COUNT EIGHT

11 Case No. 17-O-00272
12 Business and Professions Code, section 6103
13 [Failure to Obey a Court Order]

14 9. Respondent disobeyed or violated an order of the court in the juvenile matter, Case
15 No. YJ 37352, filed in Inglewood Juvenile Court, Department 241, requiring Respondent to do
16 or forbear an act connected with or in the course of Respondent's profession which Respondent
17 ought in good faith to do or forbear by failing to comply with the September 16, 2016, order by
18 not returning to Viola Blane, his client's mother and representative, the client's file and
19 providing a full refund of advanced attorney's fees, in willful violation of Business and
20 Professions Code, section 6103.

21 COUNT NINE

22 Case No. 17-O-00272
23 Rules of Professional Conduct, rule 3-700(A)(2)
24 [Improper Withdrawal from Employment]

25 10. Respondent failed, upon termination of employment, to take reasonable steps to
26 avoid reasonably foreseeable prejudice to Respondent's client, a minor, by constructively
27 terminating Respondent's employment on or about September 15, 2016, by repeatedly failing to
28 appear for scheduled hearings or respond to an OSC directed to him, and thereafter failing to
return the client his file and refund the advanced fees pursuant to court order, in willful violation
of Rules of Professional Conduct, rule 3-700(A)(2).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT TEN

Case No. 17-O-02504
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

11. On or about January 20, 2017, Raul Osuna employed Respondent to perform legal services, namely to represent him in the criminal matters captioned *People of the State of California v. Osuna*, Case Nos. PA085514 and PA086641, filed in Los Angeles Superior Court, San Fernando, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to participate in the matter, by repeatedly failing to either appear for hearings or appear timely, and appearing for trial briefly excusing himself and then not returning to court, resulting in the court removing Respondent from the proceeding on or about April 19, 2017, as a result of Respondent's failure to perform or provide any other legal services for the client.

COUNT ELEVEN

Case No. 17-O-02504
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

12. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do or forbear by failing to comply with the April 27, 2017, order sanctioning him \$250 payable no later than June 15, 2017, directed against Respondent, in the criminal matters captioned *People of the State of California v. Osuna*, Case Nos. PA085514 and PA086641, filed in Los Angeles Superior Court, San Fernando, in willful violation of Business and Professions Code, section 6103.

COUNT TWELVE

Case No. 17-O-02504
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

13. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to Respondent's client, Raul Osuna, by constructively

1 terminating Respondent's employment on or about April 19, 2017, by repeatedly failing to
2 appear for scheduled hearings, appearing late for hearings and thereafter being ordered removed
3 as attorney of record, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

4 COUNT THIRTEEN

5 Case No. 17-O-03806
6 Business and Professions Code, section 6103
7 [Failure to Obey a Court Order]

8 14. Respondent disobeyed or violated an order of the court requiring Respondent to do or
9 forbear an act connected with or in the course of Respondent's profession which Respondent
10 ought in good faith to do or forbear by failing to comply with the May 11, 2017, order finding
11 Respondent in contempt and sanctioning him \$500, the sanction being stayed upon satisfactory
12 proof from Respondent that he attended a session of the Other Bar no later than June 26, 2017,
13 directed against Respondent, in the criminal matter captioned *People of the State of California v.*
14 *Bernabe Perez*, Case No. M216750, filed in San Diego Superior Court, Central Division.
15 Respondent failed to submit proof of attendance in timely fashion and failed to pay the sanction
16 in willful violation of Business and Professions Code, section 6103.

17 COUNT FOURTEEN

18 Case No. 17-O-03806
19 Business and Professions Code, section 6103
20 [Failure to Obey a Court Order]

21 15. Respondent disobeyed or violated an order of the court requiring Respondent to do or
22 forbear an act connected with or in the course of Respondent's profession which Respondent
23 ought in good faith to do or forbear by failing to comply with the February 7, 2017 order
24 compelling Respondent's personal appearance at a trial readiness conference, directed against
25 Respondent, in the criminal matter captioned *People of the State of California v. Bernabe Perez*,
26 Case No. M216750, filed in San Diego Superior Court, Central Division, which Respondent
27 failed to comply with by failing to appear in willful violation of Business & Professions Code
28 section 6103.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

2
3

4
5
6
7
8
9
0
1

2

3
4

5
6
7
8
9
10
11
12

3

24

25

26
27

1 ought in good faith to do or forbear by failing to comply with the March 13, 2017 order
2 compelling Respondent's personal appearance at a trial readiness conference on April 3, 2017,
3 directed against Respondent, in the criminal matter captioned *People of the State of California v.*
4 *Bernabe Perez*, Case No. M216750, filed in San Diego Superior Court, Central Division, which
5 Respondent failed to comply with by failing to appear in willful violation of Business &
6 Professions Code section 6103.

7 COUNT EIGHTEEN

8 Case No. 17-O-05861
9 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

10 19. On or about May 13, 2017, Julissa Gutierrez employed Respondent to perform legal
11 services, namely to represent her husband in a criminal matter, which Respondent intentionally,
12 recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of
13 Professional Conduct, rule 3-110(A), by failing to meaningfully participate in the matter, by
14 failing to meet with her husband and retrieve from his impounded vehicle, tools and medical
15 records, and by failing to perform or provide any other legal services for the client.

16 COUNT NINETEEN

17 Case No. 17-O-05861
18 Rules of Professional Conduct, rule 3-700(D)(1)
[Failure to Release File]

19 20. Respondent failed to release promptly, after termination of Respondent's
20 employment on or about May 23, 2017, to Respondent's client's wife, Julissa Gutierrez on
21 behalf of her husband, all of the client's papers and property following the client's wife's request
22 for the client's file on May 23, 2017, in willful violation of Rules of Professional Conduct, rule
23 3-700(D)(1).

24 ///

25 ///

26 ///

27 ///

1 COUNT TWENTY

2 Case No. 17-O-05861
3 Rules of Professional Conduct, rule 4-100(B)(3)
4 [Failure to Render Accounts of Client Funds]

5 21. On or about May 23, 2017, Respondent received from Respondent's client's wife,
6 Julissa Gutierrez on behalf of her husband, the sum of \$2,500 as advanced fees for legal services
7 to be performed. Respondent thereafter failed to render an appropriate accounting to the client
8 regarding those funds following upon the termination of Respondent's employment on or about
9 May 23, 2017, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

10 COUNT TWENTY-ONE

11 Case No. 17-O-05861
12 Rules of Professional Conduct, rule 3-700(D)(2)
13 [Failure to Refund Unearned Fees]

14 22. On or about May 13, 2017, Respondent received on behalf of Respondent's client,
15 Juan Hernandez, advanced fees of \$2,500. On or about May 23, 2017, the client's wife, Julissa
16 Gutierrez on behalf of her husband, terminated Respondent's services and demanded that
17 Respondent refund the entire amount of advanced attorney's fees to her. To date, Respondent
18 has failed to pay promptly, as requested, any portion of the advanced attorney's fees in
19 Respondent's possession in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

20 COUNT TWENTY-TWO

21 Case No. 17-O-05861
22 Rules of Professional Conduct, rule 3-310(F)
23 [Accepting Fees From a Non-Client]

24 23. On or about May 13, 2017, Respondent accepted \$2,500 from Julissa Gutierrez as
25 compensation for representing a client, her husband, Juan Hernandez, without obtaining his
26 client's informed written consent to receive such compensation, in willful violation of the Rules
27 of Professional Conduct, rule 3-310(F).
28

NOTICE - INACTIVE ENROLLMENT!

**YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**

1 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
2 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
3 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
4 RECOMMENDED BY THE COURT.

5 **NOTICE - COST ASSESSMENT!**

6 IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
7 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
8 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
9 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
10 PROFESSIONS CODE SECTION 6086.10.

11 Respectfully submitted,

12 THE STATE BAR OF CALIFORNIA
13 OFFICE OF CHIEF TRIAL COUNSEL

14 DATED: April 12, 2018

15 By: Hugh G. Radigan
16 Hugh G. Radigan
17 Senior Trial Counsel
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): **16-O-14513, 17-O-00272, 17-O-02504, 17-O-03806, 17-O-05861**

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017-2515, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

☐

By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

☒

By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

☐

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").

☐

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

☐

By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: *(see below)*

☒

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,

Article No.: 9414 7266 9904 2111 0218 94 at Los Angeles, addressed to: *(see below)*

☐

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,

Tracking No.: addressed to: *(see below)*

Person Served	Business-Residential Address	Fax Number	COURTESY COPY VIA REGULAR 1 ST CLASS MAIL
Carlos Joel Perez	The Perez Firm 5949 Firestone Blvd. South Gate, CA 90280-3707	Electronic Address	


I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: April 12, 2018

SIGNED:


Sandra Reynolds
Declarant